

NOT FOR PUBLICATION

(Doc. No. 10)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

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H&R BLOCK BANK,

Plaintiff,

v.

JBW HOLDINGS, LLC, JAMES B.  
WILSON, and JOANN L. CABALLERO,

Defendant.

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Civil No. 11-3358 (RBK/KMW)

**ORDER**

**THIS MATTER** having come before the Court upon the motion of H&R Block Bank (“Plaintiff”) for entry of final judgment by default against JBW Holdings, LLC, James B. Wilson, and Joann L. Caballero (“Defendants”), and the Court having considered the Plaintiff’s unopposed moving papers; and

**IT APPEARING TO THE COURT** that Plaintiff has filed for entry of final judgment of default pursuant to Federal Rule of Civil Procedure 55(b)(2); and

**IT FURTHER APPEARING TO THE COURT** that default as to Defendants was entered by the Clerk on August 10, 2011; and

**IT FURTHER APPEARING TO THE COURT** that some of the Defendants are individuals; and

**THE COURT NOTING** that, “[w]here the defaulting defendant is an individual, the plaintiff must satisfy the Servicemembers Civil Relief Act by submitting an affidavit of

nonmilitary service,” New Jersey Federal Civil Procedure 17-3:3.1 (eds. Robert E. Bartkus and Elizabeth J. Sher, 2011); and

**THE COURT NOTING** that Plaintiff alleges, upon information and belief, that Defendants are not members of the military;

**THE COURT FINDING** that Plaintiff’s allegation is insufficient to satisfy the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.<sup>1</sup>;

**IT IS HEREBY ORDERED** that Plaintiff’s motion for entry of final judgment by default is **DENIED**.

Dated: 2/23/12

/s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge

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<sup>1</sup>For an affidavit to be sufficient, movant must contact “the various military services . . . and [obtain] a certificate . . . from each of them confirming a defendant’s nonmilitary service.” New Jersey Federal Civil Procedure 17-3:3.1 (eds. Robert E. Bartkus and Elizabeth J. Sher, 2011).